

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MILLENNIUM PIPELINE COMPANY, L.L.C.,

*Plaintiff,*

-VS-

CERTAIN TEMPORARY EASEMENTS IN 322  
SLEEPY VALLEY ROAD, TOWN OF WARWICK,  
ORANGE COUNTY, NEW YORK, S.B.L. No. 31-1-  
17, BREAKAWAY TRAILS, INC., John Doe, et al.,  
and Unknown Owners,

And

CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN (NO NUMBER) DISTILLERY  
ROAD, TOWN OF WARWICK, ORANGE  
COUNTY, NEW YORK, S.B.L. No. 29-1-21,  
GEORGE BURKERT AND ANNA BURKERT, John  
Doe, et al., and Unknown Owners,

And

CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN (NO NUMBER) ROUTE 42,  
TOWN OF FORESTBURG, SULLIVAN COUNTY,  
NEW YORK, S.B.L. No. 39-1-11, ADELIA M.  
MASTERS, John Doe, et al., and Unknown Owners,

And

CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN 65 LIBERTY CORNERS ROAD,  
a/k/a 61 LIBERTY CORNERS ROAD, TOWN OF  
WARWICK, ORANGE COUNTY, NEW YORK,  
S.B.L. No. 11-1-21.2, DOUGLAS A. PATZELT AND  
LAUREN PATZELT, John Doe, et al., and Unknown  
Owners,

And

ORDER TO SHOW CAUSE  
FOR PRELIMINARY  
INJUNCTION

Civil Action No. 07 Civ 5815

**CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN (No Number) Route 17A, TOWN  
OF TUXEDO, ORANGE COUNTY, NEW YORK,  
S.B.L. No. 1-1-34.2, SWISS NORTH AMERICAN  
PROPERTIES - USA, LLC, John Doe, et al., and  
Unknown Owners,**

*Defendants.*

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Upon the Complaint, dated June 18, 2007 and the Affidavit of Darryl J. Colosi, sworn to on June 18, 2007, which are attached hereto, and the accompanying Memorandum of Law, dated June 18, 2007, it is hereby:

**ORDERED**, that Defendants or their attorneys SHOW CAUSE before this Court, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on wednesday June 27 2007 2007, at 3 a.m. (p.m.) or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure ("FRCP"), granting Plaintiff Millennium Pipeline Company, L.L.C. ("Millennium") the following relief:

1. preliminarily enjoining Defendants Breakaway Trails, Inc., Frank L. LoRusso, Judith L. LoRusso, Business Loan Center, Inc. and Clark Patterson Engineers, Surveyor, and Architects, P.C. or any of their affiliates or subsidiaries, and those acting in concert and participation with them, from preventing or otherwise interfering with Millennium's entry onto that portion of the real property owned by Breakaway Trails, Inc. located at 322 Sleepy Valley Road, Town of Warwick, County of Orange, New York, S.B.L. No. 31-1-17 (the "Breakaway Property") depicted on Exhibit 2 to the Complaint as a temporary easement, for the purpose of accessing, constructing and testing a natural gas pipeline at the Breakaway Property and to restore such Property following pipeline construction and testing;

2. preliminarily enjoining Defendants George Burkert and Anna Burkert and those acting in concert and participation with them, from preventing or otherwise interfering with Millennium's entry onto that portion of the real property owned by George Burkert and Anna Burkert located at (No Number) Distillery Road, Town of Warwick, County of Orange, New York, S.B.L. No. 29-1-21 (the "Burkert Property") depicted on Exhibit 3 to the Complaint as permanent and temporary easements, for the purpose of constructing, operating, inspecting, maintaining, replacing, repairing, altering the size of and removing or abandoning a natural gas pipeline at the Burkert Property and to restore such Property following pipeline construction and testing;

3. preliminarily enjoining Defendants Adelia M. Masters, Michele Masters, Leslie E. Smith, Jr., William Gall and Orange & Rockland Utilities, Inc., or any of their affiliates or subsidiaries and those acting in concert and participation with them, from preventing or otherwise interfering with Millennium's entry onto that portion of the real property owned by Adelia M. Masters, Michele Masters, Leslie E. Smith, Jr. and William Gall located at (No Number) Route 42, Town of Forestburg, County of Sullivan, New York, S.B.L. No. 39-1-11 (the "Masters Property") depicted on Exhibit 4 to the Complaint as permanent and temporary easements, for the purpose of constructing, operating, inspecting, maintaining, replacing, repairing, altering the size of and removing or abandoning a natural gas pipeline at the Masters Property and to restore such Property following pipeline construction and testing;

4. preliminarily enjoining Defendants Douglas A. Patzelt, Lauren Patzelt, Orange & Rockland Utilities, Inc. and GreenPoint Mortgage Funding, Inc., or any of their affiliates or subsidiaries and those acting in concert and participation with them, from preventing or otherwise interfering with Millennium's entry onto that portion of the real property owned by

Douglas A. Patzelt and Lauren Patzelt located at 65 Liberty Corners Road a/k/a 61 Liberty Corners Road, Town of Warwick, County of Orange, New York, S.B.L. No. 11-1-21.2 (the "Patzelt Property") depicted on Exhibit 5 to the Complaint as permanent and temporary easements, for the purpose of constructing, operating, inspecting, maintaining, replacing, repairing, altering the size of and removing or abandoning a natural gas pipeline at the Patzelt Property and to restore such Property following pipeline construction and testing;

5. preliminarily enjoining Defendant Swiss North American Properties-USA, LLC, or any of its affiliates or subsidiaries and those acting in concert and participation with it, from preventing or otherwise interfering with Millennium's entry onto that portion of the real property owned by Swiss North American Properties-USA, LLC located at (No Number) Route 17A, Town of Tuxedo, County of Orange, New York, S.B.L. No. 1-1-34.2 (the "Swiss Property") depicted on Exhibit 6 to the Complaint as permanent and temporary easements, for the purpose of constructing, operating, inspecting, maintaining, replacing, repairing, altering the size of and removing or abandoning a natural gas pipeline at the Swiss Property and to restore such Property following pipeline construction and testing;

6. combining the hearing on Millennium's motion for a preliminary injunction with the trial on the merits of the issues of just compensation pursuant to FRCP 65(a)(2) and 71A(h); and

7. granting Millennium such other, further or different relief as to the Court may seem just and proper; and it is further

**ORDERED** that a copy of this Order, together with copies of the papers upon which it is based, be served by ~~overnight mail~~ upon Defendants or their designated counsel so as to be

*hard + facsimile*

received by them at or before 5 a.m./p.m. on 6/22, 2007, and that such service shall be deemed good and sufficient; and it is further

**ORDERED** that opposing papers, if any, may be served upon the attorneys for Millennium upon Hiscock & Barclay, LLP, 26 Broadway, Suite 2400, New York, New York 10004-1840, <sup>and the Court</sup> so as to be received at or before 12 noon a.m./p.m. on 6/26 2007.

DATED: June 22 2007  
White Plains, New York

At 12:20 a.m./p.m. (p.m.)

  
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U.S.D.J.